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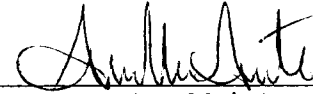
Attorney Docket No. -086509-000000US

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as "First Class Mail" in an envelope addressed to Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451 on January 18, 2005

TOWNSEND and TOWNSEND and CREW LLP

By:



Anna Marie Arante

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Trademark Application of:

The Fresh Oyster LLC

Serial No. 78/380,376

Filed: March 8, 2004

Published: December 21, 2004

Mark: **THE FRESH OYSTER**

Extension to: April 21, 2005

Commissioner for Trademarks

P.O. Box 1451

Alexandria, VA 22313-1451

**REQUEST UNDER RULE 37 C.F.R.  
§ 2.102 FOR EXTENSION OF TIME  
FOR FILING OPPOSITION**

Madam:

Pursuant to Trademark Rule 2.102, prospective Opposer, Delegat's Wine Estate Limited, a New Zealand corporation, having its principal place of business at 16 Viaduct Harbour Avenue, Maritime Square, Auckland, through its attorneys, respectfully requests that the time for



01-25-2005

filing a Notice of Opposition against the above-identified application be extended up to and including 90 days from publication, namely, from January 21, 2005 to April 21, 2005.

Prospective Opposer is in the process of investigating the subject application to determine whether an opposition is warranted. The additional time sought by this request is to continue conducting this investigation and determine if an opposition should be filed, and whether there is an opportunity to resolve a potential dispute before filing an opposition. Prospective Opposer believes that the entire time requested will be necessary for this purpose.

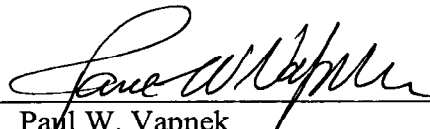
Pursuant to the Trademark Rules, this Request is being submitted in triplicate.

Respectfully submitted,

TOWNSEND and TOWNSEND and CREW LLP

Dated: January 18, 2005

By

  
Paul W. Vapnek  
Attorneys for Potential Opposer  
Delegat's Wine Estate Limited

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